

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 13, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, Newman, Svoboda, Werner; Joan Ross, City Clerk; Absent: McRoy.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

**READING OF THE MINUTES**

WERNER Having been appointed to read the minutes of the City Council proceedings of October 6, 2003, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

Prior to Public Hearing, Chair Camp recognized Councilman Werner and Councilman Friendt. Councilman Werner wanted to take an opportunity to publicly thank the "Heats On" program, which is run by the local steam fitters. They and their vendors conduct checks on furnaces and replace filters for the elderly and low income residents. This service is available by contacting the Lincoln Area on Aging Dept. Councilman Friendt echoed the comments of Werner.

**PUBLIC HEARING**

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/RUNZA RESTAURANT AT 210 N. 14TH STREET;  
MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/LINCOLN STATION AT 201 N. 7TH STREET, SUITE 100 - Marlys Young, 3226 W Street, came forward, took the oath and was available to answer questions. Councilman Friendt asked if the location in the Lincoln Station is a new restaurant. Ms. Young informed Council that it is the current banquet facility that they are taking over.

This matter was taken under advisement.

MANAGER APPLICATION OF JEFF E. ERKS FOR GATEWAY BOWL CORP. DBA GATEWAY BOWL AT 333 N. COTNER - Jeff Erks, 2427 Dorothy Dr., came forward, took the oath and answered questions posed by Council. Councilman Friendt asked if this was a bowling alley and if there have been other activities such as exotic dancing. Mr. Erks replied it was a bowling alley and he stated there had been an activity of such, but he felt very mislead about what had happened and stated it would not be a practice of this establishment in the future. Council Chair Camp stated he appreciated Mr. Erk's pledge regarding this matter.

This matter was taken under advisement.

APPLICATION OF SALEM FB, LLC DBA FAST BREAK NORTHWOODS FOR A CLASS B LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE;  
MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR SALEM FB, LLC DBA FAST BREAK NORTHWOODS AT 8350 NORTHWOODS DRIVE - Chuck Salem, 2025 Stratford Avenue and Douglas B. Morris, 600 Sunnyslope Rd., came forward to take the oath and answer potential questions. Councilman Werner asked Mr. Salem if his individual managers were generally also the licensee. Mr. Salem indicated that is his plan of business. Mr. Salem indicated that there are too many tasks to be in charge of and that a manager is needed at each location. Council Chair Camp asked Mr. Salem how the business was going at the 40<sup>th</sup> & Randolph location. Mr. Salem stated that they have an excellent facility, but felt that they were struggling due to not being allowed to have a beer license. He indicated that they were going to try again to get a license for that facility.

This matter was taken under advisement.

SPECIAL PERMIT 634D - APPLICATION OF F. PACE WOODS II TO AMEND THE SKYLINE

ROLLING HILLS COMMUNITY UNIT PLAN TO REVISE THE LOT LAYOUT TO ACCOMMODATE WIDER RIGHTS-OF-WAY FOR ROUNDABOUTS AND BOULEVARDS WITH MEDIANS, INCLUDING WAIVERS TO ALLOW A ROUNDABOUT LONGITUDINAL GRADE FROM 3% TO 5%, TO ALLOW A SPLITTER ISLAND APPROACHING A ROUNDABOUT, AND TO ALLOW DRIVEWAY ACCESS OFF A ROUNDABOUT, ON PROPERTY GENERALLY LOCATED AT SOUTH 21ST STREET AND RIDGELINE DRIVE - Rick Onnen, Engineering Design Consultants, 630 N. Cotner, Suite 105, representing F. Pace Woods, II, came forward to explain the Rolling Hills Community Unit Plan. He stated that Planning Commission has recommended approval. Public Works is still asking for a restriction to driveways to the roundabouts. Councilman Cook asked how large the circles would be versus the ones located in the Woodshire area. Mr. Onnen indicated the ones in Woodshire are larger and the radius of these are 60'. Mr. Cook asked how wide the boulevards are on Ridgeline Drive. Mr. Onnen stated they are 18' of pavement with a center median of 8 feet. Councilman Werner asked about the pedestrian access for students to walk to school. Mr. Onnen state Scott Middle School is just south of this development. Councilman Friendt asked if there is parking on both sides of Wyndham Drive, Rolling Hills Court and Shadewell Lane. Mr. Onnen said it was typical parking on both sides. Councilman Svoboda commented that the attempt in putting in these roundabouts is to make something more aesthetically pleasing, than just straight block long roadways. Mr. Onnen agreed that was the intent.

F. Pace Woods, 5706 Rolling Hills Drive, came forward as the owner and developer of the property. Mr. Woods asked for the same treatment as other developers had had regarding the driveway entrances on the roundabouts. Mr. Woods offered to put in some public sidewalks that would exit out of the end of the cul-de-sac. Mr. Cook felt they would be valuable to that neighborhood. Councilman Werner stated he would like to see the sidewalks as well, due to being able to encourage people to walk to stores, etc.

Ray Hill, Planning Dept., came forward and stated that by adding the pedestrian way easement, it would require some adjustment to the lot configurations. Councilman Werner asked if this could be done without delaying the project and shorting them of lots. Mr. Werner stated that he was concerned that a project that was less than one year old would get by without allowing public access. Mr. Hill indicated the determining factor is the block lengths of 1,000 ft. and these are less than that. Councilwoman Newman asked if this was a code or a Planning Dept. recommendation that there cannot be a dog leg. Mr. Hill said there isn't a design standard that requires it, but it has been a policy set by staff saying it is best that you can see both ends when you enter into this pedestrian way easement. Councilman Friendt stated he would accept Mr. Woods' willingness to put in the walkway and felt it was a reasonable compromise. Councilman Werner asked if this concept could be added to the agreement today if Mr. Woods is willing to do this. Mr. Hill said it would be good to have an amendment stating that there be a pedestrian easement between Rolling Hills Court and Ridgeline Drive or to Wyndham Road.

Mr. Onnen returned for rebuttal and stated if we are looking for a pedestrian way path it is always difficult to maintain proper grade to maintain ADA standards.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF OLD MILL VILLAGE CONSISTING OF 115 RESIDENTIAL LOTS AND ONE OUTLOT, INCLUDING WAIVER REQUESTS TO ALLOW STREET GRADES GREATER THAN 3% AT AN INTERSECTION APPROACH, TO ALLOW SANITARY SEWER GRADES OPPOSITE STREET GRADES, TO ALLOW DOUBLE FRONTAGE LOTS, TO ALLOW BLOCK LENGTH TO EXCEED THE MAXIMUM LENGTH WITHOUT A PEDESTRIAN EASEMENT, AND WAIVER OF IMPROVEMENTS TO URBAN STANDARDS, ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND W. SOUTH STREET - Rick Onnen, Engineering Design Consultants, 630 N. Cotner, Suite 105, representing Nebraska Housing Resource, came forward. He stated we are opposed to the grade issue with respect to Lake Street.

Nicole Fleck-Tooze, Public Works & Utilities Dept. came forward to explain that their department had reviewed this again and have offered an amendment that will address Mr. Onnen's concern.

Councilman Friendt asked if it were cost effective and feasible to reconstruct the site by bringing your own fill back in. Mr. Onnen stated it would not be cost effective because you would have to raise the entire intersection and street and establish the grades. Mr. Friendt asked about negotiating a waiver of a pedestrian easement. Ms. Fleck-Tooze stated that due to the boundary of the railroad, the waiver

is for the easement connection on West Welter Drive, because it has no where to connect to. Councilman Werner asked if there were any other pedestrian easements from S.W. Craig or Dodge Road? Mr. Onnen stated that there is not a pedestrian easement in that block. Mr. Onnen said they had originally programmed in a pedestrian easement off of S. Whitehead Circle that would access South Street and Furor Avenue was an addition to the plat at the recommendation of Public Works. With the addition of this street, we no longer have a block length issue and are not required to do so by subdivision ordinance. Mr. Onnen said that we are required as a condition of the plat to build a sidewalk along South Street. Mr. Werner suggested that a sidewalk from Craig Street to Soukup Street would be great if there is any possibility. Council Chair Camp asked if we are going to start requiring something like this, then we need to come up with a regular set of standards, depending on population density, schools, etc. to find a balance for future homeowners and protect their comfort level of security. Mr. Onnen stated he couldn't speak to the individual homeowners, but there are restrictions that go along with those pedestrian ways. It is a five foot wide piece of concrete but you have an additional setback of 15' off of that, so it does take quite a bit of the lot out of development in terms of the building envelope for a homeowner that is adjacent to one of those. Also a challenge is to meet the ADA standards to transition for the use of wheelchairs with the grade differential. Councilman Friendt stated he would like to suggest that instead of debating this project by project, that we step back and see if there is a community need to change the rules so that we do ask Planning to put these standards in. Councilman Werner stated that this is part of the task of the Multi-Modal Committee to look at design standards.

Ms. Fleck-Tooze returned to make a correction regarding the waiver that is requested and is included in the resolution. It is the waiver for the block length between S.W. Soukup and S.W. Craig. There is no waiver that is needed to be officially advertised and required to the east because there is already a provision in the code. The reason that we recommend the waiver be approved is that this is just over 1,000 ft., which is the standard.

Glen Cekal, 1420 C Street, came forward in favor.

Fred Hoppe, 1600 Stonyhill Road, Director of Nebraska Housing Resources, came forward in favor. In response to Councilman Friendt, Mr. Hoppe stated the lot prices would be in the lower end of \$20,000-\$30,000.

Ray Hill, Planning Dept. came forward to answer questions. Councilman Cook asked if it would be possible to strike Item 3 that required pedestrian easement on Block 4. Mr. Cook asked Mr. Hill to explain the rule regarding the pedestrian way easement. Mr. Hill stated we looked at this and considered whether to require this easement or not. Since it was not leading to a school or anything of that nature in a direct line, we felt it was not necessary.

Council Chair Camp asked Mr. Hoppe about the affordability of the lots and if putting this easement in would create a difficulty. Mr. Hoppe stated it would cause some additional problems and we want to stay on the time line to start in the spring and it has been a challenge due to the shape and size of these lots.

This matter was taken under advisement.

APPROVING AN APPLICATION BY THE PARKS AND RECREATION DEPARTMENT TO THE NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE LAND AND WATER CONSERVATION GRANT FUNDS FOR REPLACEMENT OF THE PUBLIC PLAYGROUND IN MAHONEY PARK - Lynn Johnson, Director of Parks & Recreation, came forward to explain that annually federal funds are available through the Nebraska Game and Parks Commission and as part of the requirement, we ask the City Council to pass a resolution that indicates the funds for the local match portion are in the local Capital Improvement Program; that there are funds allocated for ongoing maintenance; and it requires the plans will be submitted to be approved by the Games and Parks Commission meeting ADA standards. Council Chair Camp asked for clarification, if the amount was \$52,500. Mr. Johnson agreed.

Danny Walker, 437 E St., came forward to question if these funds should be going to the Wilderness Park. He asked about a drinking fountain in the Cooper Park and could that be checked out.

Glen Cekal, 1420 C St., came forward to ask about a water hydrant in the Holmes Park dog run.

Mr. Johnson returned to answer questions. He stated he would check on the status of a water fountain in Cooper Park. He informed the Council this money is a completely separate fund and it would not be reducing funds for what is available for the expansion of Wilderness Park. Each year \$105,000 is set aside for upgrading playground funds and it is an ongoing project.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Danny Walker, 437 E Street, came forward and showed photos regarding the Pioneer Business Park which is located in the flood plain. He indicated that much of the fill that is going into that area is illegal and it has been reported to the Building and Safety Dept. Mr. Walker showed additional photos taken at the Lancaster Events Center with the same situation. Council Chair Camp asked Mr. Walker to schedule these matters to be on the agenda in the future. That would allow the Council to have staff available to answer questions.

Ed Patterson, 2108 Q Street, came forward to read material from the fall newsletter of the Malone Neighborhood Newsletter. The article was placed on file.

Mike Morosin, 2055 S Street, came forward and read a letter that will be sent to Marc Wullschleger, Director of Urban Development. In the letter he stated that suitable lots have not been identified for the five homes that are slated to be moved due to the Antelope Valley Project.

Glen Cekal, 1420 C St., came forward and indicated that he had attended the same JAVA meeting and was in concurrence with Mr. Morosin's thoughts.

Bob Valentine, 2660 Park Avenue, came forward questioning the fire and rescue personnel. He asked questions about the current accounts receivable deficit of the fireman's fund, whether the city is loaning money to said fund. Councilman Friendt reported that the work on the police and fire pension ordinance is continuing and it will be brought forward soon. Councilman Werner stated that we will have pre-council next week on the police and fire issue. Council Chair Camp stated we had a report today from Don Herz, Finance Director, on the ambulance enterprise fund and it is \$10,000 higher than it was a year ago.

These matters were taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/RUNZA RESTAURANT AT 210 N. 14TH STREET. (10/6/03 - Con't. Public Hearing & Action to 10/13/03) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82387 WHEREAS, Eating Establishments Holding Company Inc. dba Flatwater Grill/Runza Restaurant located at 210 N. 14<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Marlys K. Young be named manager;

WHEREAS, Marlys K. Young appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the

pertinent City ordinances, the City Council recommends that Marlys K. Young be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

MANAGER APPLICATION OF MARLYS K. YOUNG FOR EATING ESTABLISHMENTS HOLDING COMPANY INC. DBA FLATWATER GRILL/LINCOLN STATION AT 201 N. 7TH STREET, SUITE 100. (10/6/03 - Con't. Public Hearing & Action to 10/13/03) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82388 WHEREAS, Eating Establishments Holding Company Inc. dba Flatwater Grill/Runza Restaurant located at 201 N. 7<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Marlys K. Young be named manager;

WHEREAS, Marlys K. Young appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Marlys K. Young be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

MANAGER APPLICATION OF JEFF E. ERKS FOR GATEWAY BOWL CORP. DBA GATEWAY BOWL AT 333 N. COTNER - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82389 WHEREAS, Gateway Bowl Corp. dba Gateway Bowl located at 333 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail class "C" liquor license, and now requests that Jeff E. Erks be named manager;

WHEREAS, Jeff E. Erks appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeff E. Erks be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

APPLICATION OF SALEM FB, LLC DBA FAST BREAK NORTHWOODS FOR A CLASS B LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82390 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Salem FB, LLC dba Fast Break Northwoods for a Class "B" liquor license at 8350 Northwoods Drive, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR SALEM FB, LLC DBA FAST BREAK NORTHWOODS AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82391 WHEREAS, Salem FG, LLC dba Fast Break Northwoods located at 8350 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Douglas B. Morris be named manager;

WHEREAS, Douglas B. Morris appears to be a fit and proper person

to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Douglas B. Morris be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

#### ORDINANCES - 2ND READING

AMENDING SECTION 26.33.020 OF THE LINCOLN MUNICIPAL CODE TO INCLUDE A MAXIMUM UNIT FEE OF \$2,000 FOR APPLICATIONS FOR FINAL PLATS - CLERK read an ordinance, introduced by Patte Newman, amending Section 26.33.020 of the Lincoln Municipal Code to include a maximum unit fee of \$2,000 for applications for final plats and repealing Section 26.33.020 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATING THE SOUTH 155' OF S.W. 32ND STREET, GENERALLY LOCATED BETWEEN WEST O STREET AND THE BNSF RAILROAD LINES SOUTH OF WEST O STREET - CLERK read an ordinance, introduced by Patte Newman, vacating the south 155 feet of S.W. 32<sup>nd</sup> Street, generally located between West O Street and the BNSF Railroad lines south of West O Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

#### RESOLUTIONS

REAPPOINTING KENT THOMPSON TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82392 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Kent Thompson to the Lincoln Housing Board for a five-year term expiring July 1, 2008 is hereby approved.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

REAPPOINTING GARY HEJL AND RICH WIESE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82393 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of William W. Lester to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2006 is hereby approved.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

APPOINTING WILLIAM W. LESTER TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82394 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of William W. Lester to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2006 is hereby approved.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp,

Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPTEMBER 16 - 30, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82395 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 1, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED

ALLOWED OR SETTLED

None

Mary Smith \$500.00

Justin Eggleston 924.98

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

APPROVING THE 2003-04 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD FOR ADDRESSING STORMWATER QUALITY AND QUANTITY ISSUES IN THE CITY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82396 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2003-2004 Work Plan to the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2003-2004 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2003-2004 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Fiscal Year 2003-2004 Work Plan to the Interlocal Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, for transmittal to the Lower Platte South NRD.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

SPECIAL PERMIT 634D - APPLICATION OF F. PACE WOODS II TO AMEND THE SKYLINE ROLLING HILLS COMMUNITY UNIT PLAN TO REVISE THE LOT LAYOUT TO ACCOMMODATE WIDER RIGHTS-OF-WAY FOR ROUNDABOUTS AND BOULEVARDS WITH MEDIANS, INCLUDING WAIVERS TO ALLOW A ROUNDABOUT LONGITUDINAL GRADE FROM 3% TO 5%, TO ALLOW A SPLITTER ISLAND APPROACHING A ROUNDABOUT, AND TO ALLOW DRIVEWAY ACCESS OFF A ROUNDABOUT, ON PROPERTY GENERALLY LOCATED AT SOUTH 21ST STREET AND RIDGELINE DRIVE - PRIOR to reading:

WERNER Moved to amend Bill No. 03R-281 in the following manner:

(a) One page 2, on 19, after the words "the plans" insert the following language:

; provided a pedestrian way easement and sidewalk is located between Rolling Hills Court and one of the following streets: South 19<sup>th</sup> Street, Ridgeline Drive, or South 21<sup>st</sup> Street.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, Newman, Werner; NAYS: Camp, Svoboda; ABSENT: McRoy.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82397 WHEREAS, F. Pace Woods II has submitted an application designated as Special Permit No. 634D for authority to revise the Skyline Rolling Hills Community Unit Plan to revise the lot layout to accommodate wider

rights-of-way for roundabouts and boulevards with medians, with waivers to the required urban public street design standards for roundabouts to allow a longitudinal grade from 3% to 5%, to waive construction of a splitter island approaching a roundabout, and to allow driveway access off a roundabout, on property generally located at South 21st Street and Ridgeline Drive, and legally described to wit:

Outlot A, Skyline Rolling Hills 8th Addition, located in the West Half of Section 13, Township 9 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of F. Pace Woods II, hereinafter referred to as "Permittee", to revise the Skyline Rolling Hills Community Unit Plan to revise the lot layout to accommodate wider rights-of-way for roundabouts and boulevards with medians, with waivers to the required urban public street design standards for roundabouts to allow a longitudinal grade from 3% to 5%, to waive construction of a splitter island approaching a roundabout, and to allow driveway access off a roundabout, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reconfigured lot and street layout as shown on the plans.
2. This permit approves waivers to the required urban public street design standards for roundabouts to allow a longitudinal grade from 3% to 5%, to not require construction of a splitter island approaching a roundabout, and to allow driveway access off a roundabout.
3. Before receiving building permits:
  - a. The Permittee must submit an acceptable, revised, and reproducible final plan with five copies.
  - b. The construction plans must conform to the approved plans.
  - c. Final plats within the area of this community unit plan must be approved by the City.
4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans; provided a pedestrian way easement and sidewalk is located between Rollings Hills Court and one of the following streets: South 19<sup>th</sup> Street, Ridgeline Drive, or South 21<sup>st</sup> Street.
5. All privately-owned improvements, including improvements within medians and roundabout islands, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
6. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda



Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF OLD MILL VILLAGE CONSISTING OF 115 RESIDENTIAL LOTS AND ONE OUTLOT, INCLUDING WAIVER REQUESTS TO ALLOW STREET GRADES GREATER THAN 3% AT AN INTERSECTION APPROACH, TO ALLOW SANITARY SEWER GRADES OPPOSITE STREET GRADES, TO ALLOW DOUBLE FRONTAGE LOTS, TO ALLOW BLOCK LENGTH TO EXCEED THE MAXIMUM LENGTH WITHOUT A PEDESTRIAN EASEMENT, AND WAIVER OF IMPROVEMENTS TO URBAN STANDARDS, ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND W. SOUTH STREET - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03R-282 in the following manner:  
(a) On page 2, after line 5, insert a new paragraph 5 to read as follows:

5. The requirement of Section 3.4.3 of the Urban Public Street Design Standards that intersection approaches shall not exceed 3% grade is waived to allow an intersection approach which exceeds a 3% grade at the intersection approach of W. Lake Street and S.W. Soukup Drive.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

COOK Moved to strike on Page 2, all of Line 3.

Seconded by Werner & **LOST** by the following vote: AYES: Cook, Newman, Werner; NAYS: Camp, Friendt, Svoboda; ABSENT: McRoy.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-82398 WHEREAS, Nebraska Housing Resource has submitted the preliminary plat of **OLD MILL VILLAGE** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated August 21, 2003, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **OLD MILL VILLAGE**, generally located at S.W. 12th Street and W. South Street, as submitted by Nebraska Housing Resource, is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the slope of the sanitary sewer should parallel the slope of the street is waived to permit sanitary sewer flow opposite street grades in S.W. Soukup Circle.

2. The requirement of § 26.23.140(e) of the Lincoln Municipal Code that there will be no lots with double frontage is hereby waived to allow double frontage lots along South Street within this preliminary plat.

3. The requirement of Section 26.23.125 of the Lincoln Municipal Code that a pedestrian way easement be provided on Block 4 is hereby waived.

4. The requirement of Section 26.27.010 of the Lincoln Municipal Code that South Street be constructed to urban standards including curb and gutter is hereby waived.

5. The requirement of Section 3.4.3 of the Urban Public Street Design Standards that intersection approaches shall not exceed 3% grade is waived to allow an intersection approach which exceeds a 3% grade at the intersection approach of W. Lake Street and S.W. Soukup Drive.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

APPROVING AN APPLICATION BY THE PARKS AND RECREATION DEPARTMENT TO THE NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE LAND AND WATER CONSERVATION GRANT FUNDS FOR REPLACEMENT OF THE PUBLIC PLAYGROUND IN MAHONEY PARK - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82399 WHEREAS, the City of Lincoln through its Parks & Recreation

Department proposes to apply to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation funds for the purpose of development of a playground in Mahoney Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The City of Lincoln hereby expresses its support for the application being made by its Parks & Recreation to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation Grant Fund for the purpose of constructing a playground in Mahoney Park.

2. The City of Lincoln has available and will apply its share of the project cost (\$52,500) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

3. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by making the facilities accessible to the handicapped.

4. The City of Lincoln will, within 30 days of federal approval, or as soon thereafter as legally possible, obtain any required consultant for this project.

5. The Mayor is hereby authorized to sign all documents necessary and required to make application to acquire said grant funds.

6. No property developed under this project will, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to non-public outdoor recreation purposes. The City of Lincoln will replace any converted land in accordance with Section 6(f)(3) of the Land and Water Act of 1965, as amended to date.

7. The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for transmittal to the Nebraska Game and Parks Commission.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 27, 2003 AT 5:30 P.M. FOR THE RECONSIDERATION OF THE APPLICATION OF OVERSTREET, INC. DBA T'S STOP & SHOP FOR A CLASS B LIQUOR LICENSE LOCATED AT 1301 NORTH 27<sup>TH</sup> STREET - PRIOR to reading:

CLERK Reported the applicant had called to withdraw the application.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 27, 2003 AT 5:30 P.M. FOR THE APPLICATION OF HARRIS-FRALEY VFW DBA HARRIS-FRALEY VFW POST 131 FOR A CLASS C LIQUOR LICENSE LOCATED AT 5721 JOHANNA ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82400 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 27, 2003 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the purpose of considering the Application of Harris-Fraley VFW dba Harris-Fraley VFW Post 131 for a Class C liquor license, located at 5721 Johanna Road.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

#### PETITIONS & COMMUNICATIONS

FORMAL PETITIONS FOR ORNAMENTAL LIGHTING DISTRICT 286 AT 27<sup>TH</sup> STREET TO 20<sup>TH</sup> STREET, VAN DORN STREET TO HIGH STREET SUBMITTED BY JOLYNN & JEFFREY BOMBERGER, DARYL & GENIE L. BAHM, BRENDA & MICHAEL NABER, PATRICIA C. MEISENHOLDER, AIMEE POOR, JEROME S. & KAREN K. LINDERMAN - CLERK presented said petition which was referred to the Public Works Dept.

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 6, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF AUGUST, 2003: Alyon Technologies, Inc.; Quantum Shift Communications; T-Netix Telecom Services, Inc.; Ciera Network Systems, Inc.; TracFone Wireless, Inc.; Teligent Services, Inc.; Star Number, Inc.; IBM Global Services-NS Div.; United Systems Access Telecom; Alltel Systems of the Midwest, Inc.; Alltel Communications of Nebraska, Inc.; and Alltel Nebraska, Inc.; for the month of September, 2003: ATS Mobile Telephone Co., Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**ORDINANCES - 1<sup>ST</sup> READING**

VACATING POTTER STREET BETWEEN 26TH AND 27TH STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, vacating Potter Street between 26<sup>th</sup> and 27<sup>th</sup> Streets, the first time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 468.49 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH FOLSOM STREET - CLERK read the following ordinance, introduced by Ken Svoboda, amending the Lincoln Corporate limits map by annexing approximately 468.49 acres of property generally located at West Van Dorn Street and South Folsom Street, the first time.

VACATING THE PUBLIC RIGHT-OF-WAY SURROUNDING THE NEW THEATER COMPLEX GENERALLY LOCATED FROM 11TH TO 12TH STREETS, BETWEEN P AND O STREETS, AND PORTION OF THE EAST-WEST ALLEY IN THE SAME BLOCK, AND RETAINING TITLE IN THE CITY OF LINCOLN FOR PURPOSES OF CONVEYING A REDEVELOPMENT EASEMENT IN CONNECTION WITH THE DOWNTOWN THEATER PROPERTY - CLERK read the following ordinance, introduced by Ken Svoboda, vacating the public right-of-way surrounding the new theater complex generally located from 11<sup>th</sup> to 12<sup>th</sup> streets, between P and O Streets, and portion of the East-West Alley in the same block, and retaining title in the City of Lincoln for purposes of conveying a redevelopment easement in connection with the downtown theater property, the first time.

APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MIDGET FOOTBALL FOR THE USE OF PARK PROPERTY WEST OF SHERMAN FIELD FOR A FOOTBALL FIELD COMPLEX - CLERK read the following ordinance, introduced by Ken Svoboda, approving a 15-year lease agreement between the city and Lincoln Midget Football for the use of park property west of Sherman Field for a football field complex, the first time.

**ORDINANCES - 3<sup>RD</sup> READING - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to October 20, 2003.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on October 20, 2003.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

**ADJOURNMENT 3:46 P.M.**

REGULAR MEETING  
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SVOBODA        Moved to adjourn the City Council meeting of October 13, 2003.  
                  Seconded by Werner & carried by the following vote: AYES: Camp,  
                  Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.  
                  So ordered.

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Joan E. Ross,    City Clerk, CMC